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February 21, 2014

VIA SUBMISSION @ FOIAONLINE.REGULATIONS.GOV

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

Re: **Freedom of Information Act Request Regarding Clean Air Act Section 126
Petition Filed by the Town of Eliot, Maine, Related to Schiller Station**

Dear FOIA Officer:

Please accept this request for information on behalf of my client, Public Service Company of New Hampshire ("PSNH"), under the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), and the U.S. Environmental Protection Agency's ("EPA") FOIA regulations at 40 CFR Part 2. As explained further below, I am seeking information related to the petition filed by the Town of Eliot, Maine, with EPA on August 22, 2013, pursuant to section 126(b) of the Clean Air Act, 42 U.S.C. § 7426(b), related to Schiller Station, in Portsmouth, New Hampshire, owned and operated by PSNH (the "Section 126 Petition").

Please note that this FOIA request seeks only responsive records which may be located at EPA's Headquarters offices in Washington, D.C. ("Headquarters"), and/or its offices at its Research Triangle Park offices in North Carolina ("RTP"). I am submitting separately a similar—but not identical—FOIA request to EPA's Region 1 offices in Boston, so there should be no need to forward this request to those offices. Please also note that time is of the essence, and therefore, we will not be able to grant any material extensions for EPA's response beyond those provided by FOIA.

Specifically, I am seeking the following categories of records:

1. Any and all communications among EPA staff (as further defined below) concerning the Section 126 Petition, including but not limited to any EPA staff involved in the assessment of technical and/or legal aspects of the Section 126 Petition, which may include (but is not limited to) any or all of the following individuals:
 - Rhea Jones;
 - Gobeail McKinley;
 - Michael Ling;
 - Stephanie Hogan;
 - James Thurman;

- Richard Wayland; and
 - Michael Thrift.
2. Any and all drafts of any proposed decision regarding the Section 126 Petition.
 3. Any air modeling results conducted, prepared, considered, or received from a third party, by EPA with regards to the Section 126 Petition.
 4. Any and all communications concerning the Section 126 Petition between EPA staff and any person outside of EPA. You may exclude from this request any communications between EPA and PSNH or PSNH's counsel. Also, please be sure to include in EPA's response any and all communications between EPA and any member or representative of the following organizations and governments; however, the following list is not intended to restrict the scope of this request to just those names listed.
 - Sierra Club;
 - Town of Eliot;
 - State of Maine; and
 - State of New Hampshire.

For purposes of this request, the term "EPA staff" includes all staff at Headquarters and RTP, and any third-party contractors hired to assist Headquarters or RTP on matters related to the Section 126 Petition. Also, for purposes of this request, the term "communication" includes all forms of written or otherwise recorded communication, whether in paper or electronic form. For each responsive communication, please be sure to also include in EPA's response any and all attachments or enclosures to the communication. As to electronic communications, this request includes not only e-mails to or from official "epa.gov" accounts but also any other email account or internal messaging service used or accessed by any EPA staff.


We believe that the information sought in this request is not exempt from mandatory disclosure under FOIA. However, if EPA believes that one or more responsive records may contain information that is not subject to mandatory disclosure, we respectfully request that EPA use its discretion as required under the policies of the United States to nonetheless disclose such information. See Presidential Memorandum for Heads of Executive Departments and Agencies Concerning the Freedom of Information Act, 74 Fed. Reg. 4683 (Jan. 21, 2009) (FOIA "should be administered with a clear presumption: [i]n the face of doubt, openness prevails"); Attorney General Holder's Memorandum for Heads of Executive Departments and Agencies Concerning the Freedom of Information Act (Mar. 19, 2009) ("strongly encourag[ing] agencies to make discretionary disclosures of information"). Moreover, should EPA determine under its discretionary disclosure directives that disclosure of information contained in responsive records which is exempt from mandatory disclosure would be inappropriate, please provide "reasonably segregable portion[s]" of such records, as EPA is required to do under FOIA. See 5 U.S.C. § 552(b) (sentence immediately following exemptions).

I am willing to pay the costs associated with this FOIA request up to the amount of \$1,000 without further authorization. Should EPA's response exceed this amount, please contact me

immediately for a discussion about further cost assurance. If you have any questions, please let me know immediately. You can reach me at (205) 226-8755 or staylor@balch.com.

Very truly yours,

BALCH & BINGHAM LLP



Spencer M. Taylor

SMT:ts

cc: Ms. Linda T. Landis, Esq. (PSNH)
Mr. C. Grady Moore, III, Esq. (Balch & Bingham)